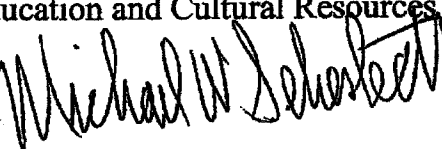




**MEMORANDUM**

TO: Senate Committee on Education and Cultural Resources

FROM: Michael W. Sehestedt  
Deputy County Attorney 

RE: HB 841

DATE: April 4, 2007

The Board of County Commissioners and the Missoula County Clerk and Recorder who serves as the Missoula County Election Administrator have asked me to write in opposition to HB 841.

While HB 841 has the laudable goal of combining the May School Election provided by current law with the June Primary provided by current law, HB 841 utterly and totally fails to accomplish this laudable goal.

The only change in the law accomplished by HB 841 is a change in date from June to May for the primary election. Without changes in basic election laws to coordinate such matters as filing deadlines, absentee ballots availability, and voter eligibility, HB 841 means that two separate elections will be held on the same day and not that there will be a combined election.

For the primary election, candidates must file 135 days prior to the election (MCA 13-10-201(6)). For a school election, the Trustee candidates must file 40 days before the election (MCA20-3-305).

For the primary election, ballots must be certified not less than 62 days before the election (MCA 13-10-208(2)). For a school election, the ballot must be certified 25 days before the election (MCA 20-20-401(2)).

For a primary election, absentee ballots must be available not later than 30 days prior to the primary election (MCA 13-13-205(1)(a)). For a school election, the ballot is not required to be certified until 5 days after the absentee ballots are required to be printed and available for the primary election and absentee ballots for the school election are not required to be available until 20 days before the election (MCA 20-20-401(2)).

For a primary election, late registration of electors is permitted. For school elections, late registration is not permitted.

What these different requirements mean is that it will be very difficult, if not impossible, for the election administrators to conduct school elections at the request of the trustees as permitted by MCA 20-20-401(1) with the result that more of the larger districts will have to conduct their own elections.

The level of voter confusion can only be increased by separate elections on the same day with voters faced with voting perhaps in different polling places for the school election and the primary election and late registrants allowed to vote in the primary but not the school election.

On a practical level, HB 841 will result in competition for both space for polling places and for the limited pool of election judges.

**HB 841 is not a bill that combines elections - rather it is a bill that requires two separate elections to be held on the same day.**

Please reject HB 841.

# Candidate Filing Timeline

